REMARKS

INTRODUCTION

Claims 1-16 were previously pending and under consideration.

Claims 17-22 are added herein.

Therefore, claims 1-22 are now pending and under consideration.

Claims 10, 11 and 16 are allowed.

Claims 1-9 and 12-15 are rejected.

Claims 1-3, 9 and 13-15 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

CONDITIONAL INTERVIEW REQUEST

Applicant respectfully requests that the Examiner contact the undersigned for a personal or telephonic Interview if, after considering the amendments and remarks herein, the Examiner intends to further rely on the Herman reference as the primary basis of rejection. It is respectfully submitted that, if necessary, an Interview would be beneficial (1) to clarify the Applicant's understanding of how the Examiner is interpreting the Herman reference and (2) to clarify any outstanding issues and how they might be addressed.

REJECTIONS UNDER 35 USC § 103

In the Office Action, at pages 1-5, claims 1-9 and 12-15 were rejected under 35 U.S.C. § 103 as being unpatentable over Herman in view of Houvener. This rejection is traversed and reconsideration is requested.

Claim 1 has been amended to clarify the timing of the recited issuance. Claim 1 now recites issuing an identification code "when a user starts a transaction". Claim 1 has also been amended to clarify the functional role of the recited code during a transaction's progress. Claim

1 now recites "the issued identification code is automatically displayed and used to identify and manage the transaction when the user interactively adds/removes commodities to/from the transaction before its completion". Finally, as discussed later, claim 1 has been broadened slightly to recite a "security token" rather than a "password". See also claims 13-15.

In some situations, it can be beneficial for a user conducting a transaction to be able to identify the particular transaction while it is transpiring. For example, the user may wish to obtain assistance or ask a question about a transaction and may need to identify the transaction (e.g. transaction number). However, when a mere serial transaction number (or serial number plus predictable/known information such as a date) is used displayed and used as a transaction identifier during a transaction, it becomes possible for a malicious user to guess or predict an identifier (transaction number) of another user, thereby comprising the security of that user's transaction.

In general Herman does not appear to be concerned with details of how a transaction is conducted, but rather addresses how a dynamic record of a transaction can be generated and used after the transaction. In Herman, whether a transaction code is generated during a transaction or at the end of a transaction, it is only generated and possibly displayed upon completion of the transaction. This is why Herman uses the traditional term of a "receipt", which usually means "a writing acknowledging the receiving of goods or money" (Webster's Dictionary). Herman mentions that "Smart Receipts maintain a persistent connection between two parties following a successful online transaction" (col. 1, lines 57-59). This connection is not used to add or remove commodities or otherwise manage the transaction before its completion. Also, a Smart Receipt is "creat[ed] ... on a merchant site upon successful completion of a transaction" (claim 1), and " delivered ... upon successful completion of a purchase" (col. 1, lines 65). After the transaction is complete and the Smart Receipt has been issued, the Smart Receipt is not used by the transactor to edit the transaction (e.g. add/remove commodities), but rather is used to provide marketing or communication with the transactor. Herman is not concerned with details of how a transaction is conducted, but rather concerns how a dynamic record of the transaction can be generated and used. Herman does not appear to solve a problem of providing a secure displayable transaction code used to identify and manage a transaction while the transaction is occurring.

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The rejection points to Houvener's display of a credit approval code. However, a credit approval code reflects approval of a credit request deemed secure as a result of identification of the requesting terminal (see col. 6, lines 21-31). There is no discussion or suggestion in Houvener to use a transaction order serial number and a security token as a combined transaction code or identifier for display and managing an in-progress transaction. Furthermore, the credit approval process described in Houvener is the payment tendering process typically performed when a transaction is complete; i.e. payment at the end of a transaction. Therefore, any codes used or returned by Houvener are not analogous.

The term "password" has been changed to "security token". The Webster's Deluxe Unabridged Dictionary describes a token as "something serving as a sign of authority, identity, genuineness, etc." The Webster's Third International Dictionary describes a token as "something given or shown as a symbol of guarantee (as of authority, right, or identify : PASSWORD)". In the art, it is understood that a token can be temporary.

Withdrawal of the rejection is respectfully requested.

DEPENDENT CLAIMS

The dependent claims are deemed patentable due at least to their dependence from allowable independent claims. These claims are also patentable due to their recitation of independently distinguishing features. For example, claim 6 recites "the identification code is issued when at least one commodity is selected at the terminal, the identification code being utilized until the user decides to purchase the selected commodity". This feature is not taught or suggested by the prior art. Withdrawal of the rejection of the dependent claims is respectfully requested.

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